

## REMARKS

Claims 1, 8, 10, 13-14, and 16-17 are now pending in the application. Claims 15 and 18 are cancelled without disclaimer or prejudice to the subject matter contained herein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## CLAIM OBJECTIONS

Claims 15 and 18 are objected to under 35 U.S.C. 132(a) for introducing new matter into the disclosure. Applicant cancels claims 15 and 18. As such, this objection is rendered moot.

## REJECTION UNDER 35 U.S.C. § 112

Claims 14-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicant cancels claims 15 and 18. As such, the rejection of these claims is rendered moot.

With respect to claim 14, Applicant amended the claim to remove the recitation of "substantial portions." Applicant respectfully submits that claim 14 is now definite.

## REJECTIONS UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 8, 10, 13-15, 17 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by McCabe (U.S. Pat. No. 5,604,044). Claims 1, 8, 10 and 13-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McCabe (U.S. Pat. No. 5,604,044). These rejections are respectfully traversed.

With respect to claim 1, McCabe fails to show, teach, or suggest selecting at least one of a radius of each of the plurality of waves and a spacing between adjacent ones of the plurality of waves based on a cutting angle. McCabe appears to be silent as to any relationship between wave spacing and radius and cutting angle.

For anticipation to be present under 35 U.S.C. §102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by one skilled in the field of the invention. *Scripps Clinic & Res. Found. V. Genentech, Inc.*, 18 USPQ.2d 1001 (Fed. Cir. 1991). All of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. *Constant v. Advanced Micro-Devices, Inc.*, 7 USPQ.2d 1057 (Fed. Cir. 1988). Here, McCabe fails to disclose the limitation of selecting at least one of a radius of each of the plurality of waves and a spacing between adjacent ones of the plurality of waves based on a cutting angle.

As shown in an exemplary embodiment in FIG. 4 of the present application, a strip of sheet metal may be cut at a particular angle  $\alpha$  with respect to a feeding direction of the metal strip. Consequently, small pieces 41 of the sheet metal may be cut free, which may adversely affect the cutting tool. As described in Paragraph [0031] of the present application, "these small pieces 41 can be avoided if the relationship between

the height of the notches, i.e. the radius  $r$  of the wave shape and the spacing between two adjacent notches is adapted to the chosen angle  $\alpha$ ."

In contrast, McCabe appears to be absent of any teaching or suggestion of this limitation. For example, the Examiner notes that "McCabe is silent on the exact size of his wave edges, but discusses how they can come in a variety of sizes." (See Page 4, Lines 4-8 of the present Office Action). Applicant respectfully notes that merely disclosing "a variety of sizes" is not analogous to selecting a specific radius and/or spacing of the waves based on the cutting angle. As such, Applicant respectfully submits that McCabe is absent of any teaching or suggestion of a desired relationship between wave dimensions and the cutting angle as claim 1 recites.

Applicant respectfully submits that claim 1, as well as its dependent claims, should be allowable for at least the above reasons. Claims 13 and 14, as well as their corresponding dependent claims, should be allowable for at least similar reasons.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 7, 2007

By:

  
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